

Meeting of 1998-3-24 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
MARCH 24, 1998 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

John T. Marley, Mayor, Also Present:  
Presiding Gil Schumpert, City Manager  
Felix Cruz, City Attorney  
Brenda Smith, City Clerk

The meeting was called to order at 6:50 p.m. by Mayor Marley. Notice of meeting and agenda were posted on the City Hall bulletin board as required by State law.

ROLL CALL

PRESENT: Jody Maples, Ward One  
Richard Williams, Ward Two  
Jeff Sadler, Ward Three  
John Purcell, Ward Four  
Robert Shanklin, Ward Five  
Charles Beller, Ward Six  
Carol Green, Ward Seven  
Randy Warren, Ward Eight

ABSENT: None.

Consider approval of Minutes of March 10, 1998, Lawton City Council Meeting - This item will be considered at the next meeting.

AUDIENCE PARTICIPATION:

Bill Kennard, 7102 NW Compass, said he did not think we should scare people by saying it will take \$10.30 to take care of the sewer that must be taken care of right now. He said he agreed it should be started as soon as possible because there is only \$3,220,000 to start out with, but \$5.50 will give you \$1,098,000 with a 20% vacancy rate. Kennard said you cannot transfer money from the sewer fund to the general fund as long as you have a sewer mandate, there is no surplus and you can take the money and pay as you go. He said on Waurika there is an additional debt of \$4 million on the conveyance coming up and that he did not know when payments would have to start but Lawton is 96% of the western conveyance; funds are supposed to be in a sinking fund but they are not and it is in the contract that way. Kennard said the additional money will have to come out of the water and he asked if a study was needed before repairs can be started on the water system. He said a study was done on the sewer lines and it was supposed to have been extensive but he speculated the big leak was there when the study was done and suggested an investigation be done. Kennard said Lawton should have a utility manager and that the City could not be straightened out until that happened.

Alford Hennessee said he did not think it was fair to charge \$10.30 to those on the south side of town living on Social Security or welfare and charge the same amount to those living in a \$500,000 house. He said he had 40 apartments and did not have a double dipper living in any of them, but the residents work at a minimum wage, receive Social Security or some form of retirement. Hennessee said there was no way he could go up on their rent \$10.30 per month because they would not be able to do it. He said it would be questionable whether he could stay in business and suck up that cost because those people cannot pay it. Hennessee said there was no reason why he and others should not pay their fair share.

Mark Cross said he owned a home at 12th and H Avenue and lived next door to one of Barbees properties, which is a terrible mess. He said he had talked to the City Manager and to Code Enforcement and the response was they were trying to get to it, but that has been going on for about two and a half years. Cross asked when it would be torn down; there is a trailer that is tearing apart, a collapsed barn, petrochemicals, benzine and various other chemicals. He said he made the mistake of picking up some of the trash in the alley and got a second degree burn on his hand that took two weeks and a bottle of silvadene to get rid of. Cross said he does not usually speak at

public meetings but this is threatening to him, as well as his step children and grand children that come over, and they could pick that stuff up, put it in their mouth, and end up dead. He said it is being used as a drug shooting gallery and the police made a stop for dope in front of the place; the police did not manage to catch him but they may try again. Cross said he does not own two homes or a lot of apartments or work two jobs, but receives disability due to vertebrae being removed from his back and fusing the spine, and that he did not need this problem. He said he wanted the area cleaned up so he did not have to see the terrible mess every morning from his front door.

Green said she received a call about this today and called Code Administration, which was to go out immediately and that an answer would be provided. Shanklin asked Schumpert what was being done about it and if this was his first notification. Schumpert said he did not remember talking to Mr. Cross, and he may have talked to Mr. Baker or possibly he did not remember and may have talked to him, but this is another of the Barbee properties, there were several around town that were being worked on, and an answer would be provided as to the status.

#### UNFINISHED BUSINESS:

1. Consider adopting an ordinance amending Chapter 22, Lawton City Code, 1995, discontinuing the pickup of brushwood and yard trash during the period May through October unless the resident has made arrangements for special brushwood and yard trash pickup at a charge to be determined by Council. Exhibits: Ordinance No. 98- ; Department Initiative; City Council Agenda Item Commentaries from 6/25/97, 10/30/97, 12/16/97, 1/27/98, 2/24/98.

Williams said he felt this should be done, and that there are a million ways to handle yard waste, composting and recycling, but this has been discussed numerous times. He said this one item may not add tremendous amounts of life to the landfill but it is a step in the right direction toward a composting operation and \$36 a year to those home owners who bag their grass clippings is a small price, and the yard waste would be picked up six months out of the year as it is presently.

Purcell agreed something should be done, but this will increase the life of the landfill by three years and \$700,000 would be for composting, as well as the crews and equipment for the extra pick up. He said if this were going to extend the life of the landfill five or ten years, it might be worthwhile, but it is not worth three years life in the landfill because the money being put into this would be better used at a later date to build a new landfill. Purcell said he also had a problem with the \$6 a month charge because some people have two bags of grass per week and others have 20 bags of grass per week causing an inequity. He suggested the person with 20 bags should pay ten times more than the person with two bags and charging everyone \$6 did not seem fair.

Shanklin said this was tabled so the 25-year tax would pass and something could have already been done. He said in his area, trash cans are placed in the alley and the number of cans allowed was not addressed in the background. He said people go through the trash cans and that is not permitted but there is no penalty. Cruz said it would fall under the general penalty provision. Shanklin said he understood people come to Lawton from Wichita Falls with materials such as torn off roofing because the tipping fees are so much cheaper in Lawton than in Wichita Falls. He asked if that was correct and suggested an answer be found and that gap be closed. Shanklin said he agreed with Purcell regarding the number of bags and said some areas have community trash bins and you would not know who placed what in the bins. He said the only thing that would work equitably would be stickers affixed to the bag so the crews would know to pick it up.

Williams said he felt a way should be found to do this without selling bags or stickers because that has an air of having to administer it; someone will have to get the stickers or order the bags, then distribute and charge for them and collect, and so forth. Shanklin said the stickers or bags should be sold at grocery stores and those people receive a percentage.

Green asked what happens to the yard waste of citizens who do not make arrangements to have it collected. Purcell said it could be dumped along the roads. Schumpert said they would receive a ticket for leaving trash on the property. Williams said if a citizen takes enough pride in his yard to bag his grass clippings, they will call the City to have them picked up or mulch it or take it to the landfill themselves; if people go to the trouble to cut the grass, bag it, and load it in a vehicle, they will go to the landfill and dump it free instead of dumping it along the road. Shanklin said the crews would have to determine which houses had signed up for the pick ups.

Beller said other cities use identified containers and those who put out 20 bags should pay for that, but the \$6 fee applied to everyone for different numbers of bags was not fair. He said consideration should be given to bags, tags, stickers or some equitable method. Green suggested doing the Wednesday pick up at no charge unless a person has 20 bags and they would be charged. Shanklin said they would put out 19.

Sadler asked if a person with one or two bags could include it with their regular trash pick up. Mayor Marley said it should be done without including a way to break the ordinance. Warren said some cities do not pick up yard waste at all and \$6 per month for two bags per week would be seventy-five cents per bag.

MOVED by Purcell, SECOND by Beller, to disapprove Ordinance No. 98-5.

SUBSTITUTE MOTION by Shanklin, SECOND by Sadler, to disapprove this ordinance tonight but have a workshop with four Council Members that will sit down for at least an hour and a half with Mr. Ihler and his staff and work it out, and the four who do not want to be on it abide with the four that come back with it.

Mayor Marley said the motion is to disapprove the ordinance and go to a workshop with at least four Council Members meeting with the Director of Public Works. Shanklin agreed that was the motion.

SECOND SUBSTITUTE MOTION by Williams, SECOND by Warren, to adopt Ordinance No. 98-5 discontinuing the pick up of brush wood and yard trash during the period May to October unless the residents made arrangements for special brush wood and yard trash pick up effective June 1, waive reading of the ordinance, reading only the title.

Title was read by the Clerk as follows: An ordinance relating to public health, amending Sections 22-141, 22-401, 22-402, 22-403, 22-404 and 22-405, Chapter 22, Lawton City Code, 1995, amending definitions, providing for segregation, pickup and fees of brushwood and yard trash during certain times of the year, and providing for an effective date.

ROLL CALL ON SECOND SUBSTITUTE MOTION: AYE: Warren, Williams, Sadler. NAY: Green, Maples, Purcell, Shanklin, Beller. SECOND SUBSTITUTE MOTION FAILED.

ROLL CALL ON SUBSTITUTE MOTION: AYE: Maples, Williams, Sadler, Shanklin, Beller. NAY: Warren, Purcell, Green. SUBSTITUTE MOTION CARRIED.

Shanklin volunteered to chair the committee and said he hoped it could be done quickly.

2. Consider adopting a resolution setting a monthly charge for residential brushwood and yard trash pickup (May through October), effective June 1, 1998. Exhibits: Resolution No. 98- \_\_\_\_.

Mayor Marley said this item would be pulled as it dealt with fees for the ordinance which did not pass.

#### BUSINESS ITEMS:

3. Hold a public hearing and consider an ordinance amending the 2020 Land Use Plan from Residential-Single Family and Duplex to Commercial and Office and changing the zoning from R-1 (Single-Family Dwelling District) to C-5 (General Commercial District) zoning classification located at 3428 NW Cache Road. Exhibits: Ordinance No. 98- \_\_\_\_; Location Map; Applications for Amendment to the Land Use Plan; Memoranda from Transportation Planner II and Traffic Engineer; Accident Severity Index; Comparative Commercial Land Use Ratios; LMAPC Minutes; Map indicating property owners who signed the petition (petition on file in City Clerk's Office); Extract of City Code.

Mayor Marley said this item would not be discussed as the initiator requested it be withdrawn.

4. Hold a public hearing and consider an ordinance changing the zoning from C-3 (Planned Community Shopping Center District) to C-5 (General Commercial District) zoning classification located at #1 - #15 NW 67th Street. Exhibits: Ordinance No. 98-5 ; Location Map; Site Plan; Application for Rezoning; Memoranda from Transportation Planner II and Traffic Engineer; Accident Severity Index; LMAPC Minutes.

Bob Bigham, City Planner, pointed out the location of the property on a map noting surrounding uses as Circle K, insurance office, Subway store, veterinary clinic, car wash, and mini-warehouses. A nearby park and branch of Wolf Creek were pointed out, as well as the Homeland grocery store. A new post office is also planned for the area. The applicant is Ron Nance. LMAPC held a public hearing on February 25 and two persons spoke against the request, one spoke in favor; LMAPC by a five to two vote recommends approval of the rezoning.

Shanklin asked why it all has to be C-5 and why that was desired. Bigham said the activities for the five-lot subdivision are a McDonalds restaurant which is a permitted activity in C-3; an oil change shop that would be a Use Permitted on Review approval by LMAPC; and a branch bank that would be a permitted use, and the other tract is not defined at this time. Bigham said the major difference where the applicant is requesting C-5 zoning is the restriction on parking and driveways for the C-3 area that will not integrate into his five separate lot subdivision; it is not the uses, but the restrictions in the C-3 zone. Bigham said in the C-5, he could have curb openings on each lot whereas in a C-3 there must be a 130 feet separation between the driveways.

Shanklin asked what effect C-4 zoning would have and asked if there was any intent to sell alcoholic beverages in the C-5 zone. Bigham said not to his knowledge; C-4 would accommodate the uses without the restrictions on the driveways and parking. Beller asked if C-4 was for tourists. Bigham said C-4 is the tourist commercial classification. Beller said there are restrictions in C-4 and the UPOR would have to go back to LMAPC so it would seem logical to proceed with the C-5 to do away with the requirement for the UPOR. Beller said he did not think bars or clubs would go in the area due to the price of the real estate, and the intended uses have been stated and there are signed contracts with the tenants. Sadler said the previous Hardees across from Mr. Gattis is becoming a

liquor store on 44th and Cache Road and that he had received several calls of concern about that.

Warren said he had received one call against this project and the concern was the alcohol portion so if it could be accomplished in C-4, that would not be a problem. He said he did not think a bar or liquor store would be built in this location.

Purcell asked if there will be median cuts in the road and if there is a difference between C-4 and C-5 in that regard. Bigham said that is handled through a separate policy but he did mention that more curb cuts are allowed in C-4 or C-5, as opposed to C-3. Purcell asked if the area had a center lane or median. Bigham said it is five lanes. Schumpert said there will be cuts on Gore also. Bigham said there is a median on Gore with an opening. Shanklin asked if there were nine curb cuts. Bigham said there are five on 67th Street and two on Gore. Warren said they are trying to get away from using a shared parking lot and it would be worse having three curb cuts with all those people trying to get into those three curb cuts to go to the separate businesses, so this would probably work better than having one shared parking lot. Schumpert said one curb cut on Gore appears to be within 400 feet of the intersection, which could be a problem.

#### PUBLIC HEARING OPENED.

Randy Robertson, 6702 Eisenhower Drive, said he strongly opposed the rezoning because uses allowed in C-5 are harsh to the residential neighborhood. He said some material presented to LMAPC indicated the buildings would be several hundred feet from residences but his residence would be directly across the street which is at the most 100 feet from the property. Robertson said north of Homeland there are new patio homes being built, all of Woodland Hills has nice homes, and pictures of surrounding homes were presented. He said a report indicated all the uses would be permitted in C-3 but it is simply the desire of those purchasing the lots to not go into C-3; another possibility is that all the uses would be permitted in C-1 on Use Permitted on Review, and they could still have additional curb cuts. Robertson said all of the curb cuts will be within 300 feet of the intersection, and one book shows there will be nine curb cuts, two on Gore and seven on 67th Street, and all would be within 300 feet of the intersection. He said the curb cuts will create additional traffic problems and those problems already exist coming out of the Homeland store turning left and with individuals from Eisenhower Drive turning left; additional curb cuts will create traffic problems.

Robertson said he believed Lawton could be developed in a manner that would be a blessing to both businesses and residents, and that the branch bank, McDonalds and oil change stops are all permitted in the other zoning districts and would be fine neighborhood friendly businesses. He said once the zoning is changed to C-5, you cannot restrict any of the other allowances that C-5 gives, and those would allow many businesses that would be objectionable to the neighborhood. Robertson said the argument could be that they might never go in, but the fact is that we do not know, and Sadler indicated a change from a Hardees to a liquor store and that could happen and devalue the property.

Robertson suggested the zoning not be changed to C-5 and that such a change could cause problems for the City. He said he realized it would slow down the process if the zoning is not approved tonight, but a working solution could be found that would benefit both the residences and businesses and proceed from there.

Larry Mormino said he was one of the individuals interested in purchasing a lot, specifically the oil change, and that he was interested in the zoning being changed so he could proceed with the business. He said the lots have been empty for a long time and used for hay baling, which does not look good in the area. Mormino said if it stays C-3, it is limited to a shopping center and right down the street on 67th there is a shopping center that is mostly empty so it does not make sense to leave this a C-3 for the purpose of building another complex. He said McDonalds, the bank, and his business would be staying in this location and that there are no traffic problems in that area, although the traffic would increase due to the location of businesses.

Williams asked if Mormino was advised the oil change shop could not go in the C-3 zoning. Mormino said he was informed it had to be C-5, and that McDonalds also required C-5 because they will be selling gasoline. Mormino said his shop would not have pits for oil to drain down, but would be a modular steel building that would be attractive.

Mayor Marley asked if the oil change shop or a McDonalds with gasoline could go in C-3. Bigham said they would require a Use Permitted on Review in C-3.

Woody Oliver, 6904 Eisenhower Drive, Division Manager for Circle K Stores, said he lives across the street from this location and that traffic is hectic at this corner. He said his company approached the Council several years ago asking that there be no center median on 67th Street and that request was honored and there have been no accidents. Oliver said if there are more access points, it could cause problems. He said another gasoline competitor plans to locate here and it would make it more hectic.

Ron Nance, 5909 Williams, said he represented the four owners of the tract, Drs. Drewry, Hay, Jones and Stockard.

He said he had marketed the property and obtained four contracts with Larry Mormino, McDonalds, and Security Bank. Nance said they looked at the zoning as they began to market the property and it initially appeared the zoning would be appropriate, maybe with Use Permitted on Review in C-3, but as they started to get the lot splits, it came out that in order to have separate lots and not common area parking, that the zoning would need to be upgraded. He said that is the purpose of the request and that City staff had requested they do so during the development process, and he requested approval.

Shanklin asked Nance if he had to have C-5. Nance said he felt others could better answer that question because as they went through the development process, Jones had told him they could not do it in C-3 and that he did not know if C-4 would be adequate. Bigham said the main concern over the development as proposed deals with the driveways, and he earlier counted five driveways along 67th Street and two on Gore Boulevard in this three-acre tract. Shanklin said he felt two may have been missed in the count. Bigham said the requirement in C-3 is for a planned development for the entire tract, to include the post office, Homeland, and the balance of the property to the east. Bigham said the nearest a driveway can be to an intersection is 135 feet, and that would eliminate one of the driveways to McDonalds on Gore; 100 feet is required between each of the drive openings on the C-3 tract and that would severely limit the development as planned. Shanklin asked how that was established and Bigham said the C-3 ordinance. Shanklin asked if that could be changed and Bigham said yes.

Shanklin said he had some concern over the C-5 and it had been controversial in the past, Nance did not appear to object to a lesser zoning if it would be workable and it would make others happy. Beller said Nance wanted the C-5 zoning. Shanklin asked if Nance simply wanted to be able to get the businesses in the tracts. Nance said they wanted to be able to use the property for the purposes stated, the McDonalds with a convenience store in it, an oil change shop, and a bank, and their objective is to have the property zoned for those three items. Nance said they were trying to move forward as quickly as possible and would not want to have to go back for a Use Permitted on Review, but that he did not know if they could do this in a C-4.

Shanklin asked why a C-5A could not be developed to address alcoholic beverages. Bigham said statutes provide that you cannot put ordinances in the zoning code that would discriminate against places that sell alcoholic beverages. Warren said alcohol is currently sold at Circle K and at the grocery store, although it cannot be consumed in those locations, and it can be consumed in C-4 as a Use Permitted on Review.

Purcell asked if it is left C-3, the Use Permitted on Review cannot be granted to allow the seven curb cuts on 67th. Bigham said that is the major limitation on the development. Purcell said the ordinance could be changed to allow curb cuts every 22 feet and asked if that was correct; Bigham replied yes.

Purcell said he planned to bring an item next time to get someone from outside the City structure, such as the University of Oklahoma, experts, professors, or students in zoning, to look at the zoning in Lawton. He said Council rarely goes through a meeting where it is not asked to rezone one lot, and this lot has residential on either side. Purcell said the 2020 Land Use Plan is a good start but something should be considered as far as the lots on major arterials being commercial in five years so everyone would know when they buy a house that the area would eventually be commercial. He said a study is needed by outsiders, hopefully at a low cost if the University can do so, to examine this. Shanklin said someone currently on staff could probably teach the course. Purcell said he thought someone not on staff was needed to get an outside view.

Robertson said there was an earlier indication that he only wanted a vacant lot on the corner and that he did not feel that way and was not opposed to any of the businesses mentioned. He said the concern was the change of designation to C-5, and that the C-1 or C-3 designations would work out with the Use Permitted on Review. Robertson said the City is improved by being friendly to both businesses and residents, and Nance can accomplish both but that would not be so with the C-5 designation.

Warren asked if a zone could be created to allow C-1 or C-3 businesses and not co-mingle parking. Beller said that could be done by approving C-5. Bigham said C-3 requires presentation of a development plan for the entire C-3 area that shows the integration of all the businesses and it was not necessarily his opinion that you had to have a common parking lot; the main restriction in C-3 deals with the curb opening requirements, 130 feet from the intersection and 100 feet between the curb cuts, and that is the portion that has the most detriment to this plan and the limited number of curb cuts forces the common parking arrangement.

Maples asked if Council could approve curb cuts by exception without changing the whole section. Bigham said the criteria is set in the code, and there is a Board of Adjustment set up by statute to hear appeals and requests for variances. Maples said she was not sure the curb cuts should be changed for all C-3 zones, and agreed with the proposed development, but that it would apply to all C-3 zones. Warren said that was why he was suggesting a different zoning classification be established.

Green asked how close a church could be to a C-5 area on the assumption of liquor. Shanklin said 300 feet. Williams said the church is further than 300 feet.

PUBLIC HEARING CLOSED.

Beller said he felt the three businesses that would be occupying the lots would be around for a long time.

MOVED by Beller, SECOND by Warren, to approve Ordinance No. 98-5, changing the zoning from C-3 to C-5, waive the reading of the ordinance and read the title only.

(Title only) ORDINANCE NO. 98-5

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF FROM THE EXISTING CLASSIFICATION OF C-3 (PLANNED COMMUNITY SHOPPING CENTER DISTRICT) TO C-5 (GENERAL COMMERCIAL DISTRICT) ZONING CLASSIFICATION; AUTHORIZING CHANGES TO BE MADE UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

VOTE ON MOTION: AYE: Maples, Williams, Sadler, Purcell, Beller, Warren. NAY: Shanklin, Green. MOTION CARRIED.

5. Hold a public hearing and consider an ordinance closing six easements for an underground storm sewer system on Lots 25-30, Block 1, Koehler Addition for the proposed development of a Walgreens Store at NW Ferris and Sheridan Road, and declare an emergency. Exhibits: Application for Closure; Proposed Relocation Map; Ordinance No. 98-6.

PUBLIC HEARING OPENED.

Gerald Neuwirth, attorney representing the applicants, said they are moving some drainage pipes and requested closure of the easements.

PUBLIC HEARING CLOSED.

MOVED by Maples, SECOND by Green, to adopt Ordinance No. 98-6, waiving reading of the ordinance, read only the title, and declare an emergency.

(Title read by Clerk) ORDINANCE NO. 98-6

AN ORDINANCE CLOSING SIX DRAINAGE EASEMENTS FOR AN UNDERGROUND STORM SEWER SYSTEM ON LOTS 25-30, BLOCK 1, KOEHLER ADDITION, TO THE CITY OF LAWTON; AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

6. Hold a hearing and consider the appeal regarding an administrative order to secure property at 1615, 1615-1/2A, 1615-1/2B SW Washington Avenue. Exhibits: Notice and Administrative Order; Letter of Appeal.

Mayor Marley said the item was pulled by the initiator and would not be considered.

7. Consider adopting a resolution increasing utility rates to fund the Wastewater Rehabilitation Program and take appropriate action. Exhibits: Resolution No. 98-\_\_\_\_; Schedule of Rate Increase.

Mayor Marley said this item would be pulled as it related to an item which had been tabled earlier.

8. Consider adopting an ordinance amending Sections 19-110 and 19-111 of the Lawton City Code, 1995, regarding camping and picnicking regulations at Lake Lawtonka and Lake Ellsworth, and declaring an emergency. Exhibits: Ordinance 98-7; Minutes of the 12/3/97 Lakes and Land Commission meeting; Lake Map.

Dick Huck, Parks & Recreation Director, said the four key issues are increasing the fee structure for overnight camping from \$8 to \$10 for camp sites along the shore line at Lake Lawtonka; to do away with the senior citizen exemption; and to require payment of \$2 per vehicle for admission to the day use picnic area at Lake Lawtonka, and this admission is currently free of charge upon presentation of another City of Lawton permit.

Williams asked generally what fees are charged in other recreational lake areas. Huck said \$12 to \$14 for sites with electrical hook ups, or \$14 to \$16 with electric, water and sewer; Lawtons sites have only electricity, although there is water in the vicinity. Williams asked if electrical connections need to be upgraded in the camping areas. Huck said they are in compliance but are aging and will have to be looked at for improvements.

Purcell asked how the fee increase from \$8 to \$10 compared to the fees charged by the concessionaires for like camp sites. Huck said some of the proposed sites at School House Slough will have sewer hook ups, and felt the concessionaires had been following the City's rate structure. Williams said the City has set a rate and if the

concessionaires wanted to lease a space, they pretty much had to charge the same price. Larry Meese, Robinsons Landing concessionaire, said he charges \$8 to \$9 per night for a site with water and electricity.

Shanklin said LT DeBoard was worried about the fee structure allowing campers to camp together and distributing the cost more fairly. He asked if that was so he could police it better and if DeBoard was out there as a policeman or as a fee collector. Huck said there are rate structures for those over 65 and for those under 65, but sometimes those over 65 years of age have very expensive equipment and some of the others have tents. Shanklin said he agreed that concept was wrong.

Williams asked Huck if he felt going to \$10 and \$12 for the regular and preferred sites would be too much of a hardship. Huck said for what they get, he thought it would be worth that cost, although the primitive sites should not be increased. Huck said the Lake & Land Commission felt that would be too large of an increase at one time. Williams said money will be needed to upgrade the electrical systems at the camp ground. Shanklin said it should be equal with the concessions but that the citizens should not be required to pay more than that. Meese said he cannot increase his fees unless the City does and that he would like to be able to make a little more money from the camping fees. Shanklin asked if the idea of the raise was to be competitive in the area. Huck said they felt the fees were under the market prices and that revenues could be increased to deal with the overhead. Shanklin asked if Huck was speaking of reducing the overhead and Huck said no, to offset those costs somewhat. Maples said going from \$8 to \$12 is more than 20%. Williams said it is \$4.

Purcell said the costs deal with Item 9 and this is to be discussion on Item 8.

MOVED by Purcell, SECOND by Williams, to adopt Ordinance No. 98-7, amending Sections 19-110 and 19-111 of the Lawton City Code, amending camping and picnicking regulations at Lake Lawtonka and Lake Ellsworth and declaring an emergency, and waive the reading of the ordinance, reading the title only.

(Title read by Clerk) ORDINANCE NO. 98-7

AN ORDINANCE RELATING TO RECREATION, AMENDING SECTIONS 19-110 AND 19-111, CHAPTER 19, LAWTON CITY CODE, 1995, MODIFYING CERTAIN CAMPING AND PICNICKING REGULATIONS; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

9. Consider adopting a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, amending fees for camping and picnicking at Lake Lawtonka and Lake Ellsworth. Exhibits: Resolution No. 98-45

MOVED by Williams, SECOND by Warren, to adopt Resolution No. 98-45 amending the Appendix A, Schedule of Fees and Charges, Lawton City Code 1995, amending the fees for camping and picnicking at Lakes Lawtonka and Ellsworth but with the change on Item 1 on Page 9 from \$10 to \$12.

SUBSTITUTE MOTION by Maples, SECOND by Sadler, to adopt Resolution No. 98-45 amending Appendix A, Schedule of Fees and Charges, Lawton City Code 1995, amending fees for camping and picnicking at Lakes Lawtonka and Ellsworth as shown in the agenda folder. AYE: Beller, Green, Maples, Sadler, Shanklin. NAY: Purcell, Warren, Williams. SUBSTITUTE MOTION CARRIED. (Shanklin initially abstained and changed his vote to yes prior to announcement of the result of the roll call.)

(Title only) RESOLUTION NO. 98-45

A RESOLUTION AMENDING APPENDIX A, SCHEDULE OF FEES AND CHARGES, LAWTON CITY CODE, 1995, AMENDING CAMPING AND PICNICKING FEES AT LAKE LAWTONKA AND LAKE ELLSWORTH AND PROVIDING FOR AN EFFECTIVE DATE. (Effective date is March 25, 1998.)

10. Consider approving the Lakes Capital Improvement Project for FY 1997-98. Exhibits: Proposed Lakes CIP List and Implementation Plan for Restroom Projects.

MOVED by Beller, SECOND by Green, to approve the projects as shown.

Williams said the estimate numbers look better and asked if there was any response on the bathroom facilities at Robinsons Landing as to the capacity and the condition of the septic tank. Huck said the Engineering Department had concluded their study and it should be out to the City Manager and staff in a couple of days.

Williams asked the basic content of the report. Huck said the current site cannot be expanded but they could recommend that an alternate site be built to the west for an additional facility that could add showers and restrooms, but the current site is at its maximum. Shanklin asked who said it could not be done. Huck said that Mike Johnson said in the engineering report that the current site is at its maximum, and an alternative was to look at a lagoon system which would cost about \$170,000.

Williams asked what an alternate site would cost. Huck said it depends on what you want in there but it could be as much as \$50,000. Williams asked if we have adequate capacity or facilities now for the need in that area. Huck said if they do not expand their current facility, but if they start adding camp sites then you would need to have a larger restroom and shower facility.

Shanklin said the person from DEQ did not know anything about it as far as size and asked how the evaluation was done. He asked why \$3,800 was needed for a study and upgrade. Huck said that is not needed because the work was done in house. Shanklin said \$10,000 is shown for the sea wall and asked if that could be broken down as to how it will be spent. Huck said it could be broken down further. Shanklin said we saved almost \$20,000 by breaking it down from the original estimate on the restrooms. Huck said he could break out the linear foot costs along the east campground. Shanklin asked if any of this had been done yet and Huck said no. Shanklin asked what the employees are doing out there during the day right now and a month ago, and what emergency requires them to take two and three vehicles home because they might be called out during the middle of the night, and if there was anything of that nature now. Huck said not at the current time. Shanklin said they should not be driving them home then, and only allow it during certain months of the year.

Beller said the list shows \$3,800 for Robinsons Landing sewer and asked if that was to expand or upgrade. Huck said the original proposal was to contract that out but Engineering did it in house so that amount would be moved to the contingency fund because there is no planned use for it right now unless a project comes up. Purcell asked if Huck was saying there would be \$20,000 in contingency and Schumpert said yes. Huck said that would be taken to the Lakes & Land Commission to prioritize.

Williams said he wanted to understand clearly regarding the existing bathroom facility at Robinsons Landing; under the present scenario of the number of camp grounds that are presently in existence, is it correct that the existing bathroom facility is adequate and meets the standards. Huck said that is correct, if they wish to expand to additional camp sites they would need additional restroom facilities in that complex, and Engineering stated that another facility could be built either by the concessionaire or the City to meet the additional pressure the concessionaire would have at his site; there are adequate facilities to take care of the public and the concession area currently.

Williams said there was discussion of adding a septic tank or enlarging the existing septic tank and asked if that is possible. Huck said that is being addressed in the engineering report and is why they are looking at an alternate location for any expansion; the existing facility is well used and has some years of life although minor repairs are needed and are proposed, but if you add showers to meet expansion of the concession area, then they will have to look at an alternate facility. Huck said debate could be held on whether it should be done by the City or by the concessionaire.

Purcell said he thought he remembered last time that the reason Robinsons Landing could not have more camp sites was not so much the number of showers, but that we did not have room to store all of the water, etc. in a septic tank. He said he asked last time and recalled \$2,500 being mentioned to add another septic tank which would then make adequate storage to add spaces for camping, realizing there may be a need for more shower stalls later on but it would not preclude him from adding more camping spaces if he had an additional septic tank, possibly connected to the existing tank. Huck said he did not recall that but the point was they felt the existing leach field can be expanded and tanks added to allow them to make a larger facility and as he read the report from engineering, that is not possible because you are limited to the amount of leach field to take care of the excess water from the current restroom and you cannot expand that. Huck said an additional facility would be needed to support additional camp sites.

Mayor Marley said there is a motion on the floor that may need to be modified to move the \$3,800 item to the contingency account.

Beller said he made the motion and asked if it would be advisable to take that \$20,000 in contingency to build a new facility at Robinsons Landing and if that would be an appropriate expenditure. Huck suggested putting the funds in contingency and requesting it be sent to the Lake and Land Commission to prioritize because \$20,000 will not build an adequate facility and more funding would be required, so it would be looked at as reserved for future projects such as restroom upgrades or whatever is needed.

Williams said if it is sent back to Lake and Land it may be discussed, but the concessionaire on the north side of the lake would like to be able to grow. He said the person has made a commitment and provides recreational activities, and spoke in favor of the \$20,000 expenditure using City labor.

Beller said he thought it was Council consensus to make improvements at the north end of the lake and asked that his motion be amended to designate the \$20,000 from contingency to be used toward a bathroom at the north end of the lake for Robinsons Landing. Warren said he would second the amendment.



Shanklin asked if the lakes and parks and recreation department were going to be reorganized. Schumpert said he had been directed to bring back a reorganization of the department and that would be brought back with the budget.

Purcell said he seconded the original motion and agreed to the amendment as stated.

VOTE ON MOTION AS AMENDED: AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

11. Consider directing staff to return appropriate documents to reduce landfill fees by fifty percent on demolition activities. Exhibits: None.

Williams said Council has received many dilapidated structures and done the right thing by calling for their removal. He said the houses would not be in that shape if the owners had sufficient funds to keep them up so the City is adding insult to injury to demand that they be torn down and then charge full price to take them to the landfill. Williams said the suggestion is to reduce the landfill fees by 50% for the structures. Shanklin said the funding source for those on tonight's agenda is CDBG. Beller asked if this is strictly for the homeowner himself and Williams said yes. Williams said if a person owns a dilapidated structure and Council directs that it be torn down, the owner must get a bid to have it torn down and normally the contractors state an amount to tear it down but the owner has to pay the contractor for the landfill fees also, and this would cut that expense in half.

Shanklin said we may raise the tipping fees if we pursue that in regard to Wichita Falls. Williams said this is just for the citizens of Lawton that have dilapidated structures. Mayor Marley asked if it applied to those identified by the Council or just as they determine themselves. Williams said it would be for those which come before Council. Warren asked if the rate was being cut in half for the contractor and Williams said for the homeowner. Warren asked if the homeowner had to take the materials to the landfill. Williams said the contractor would haul the material to the landfill but the homeowner is responsible for paying the contractor. Warren asked how they would determine if the contractor should be allowed to dump for half the usual fee or if it was for a regular job. Williams said staff would need to provide such answers if Council was agreeable to the concept.

MOVED by Williams, SECOND by Shanklin, to direct staff to return appropriate documentation to reduce landfill fees by 50% on demolition activities, more specifically to homeowners who appear before Council on dilapidated structures. AYE: Beller, Warren, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. OUT: Green. MOTION CARRIED.

12. Discuss the Sentinel Program and take appropriate action if needed. Exhibits: None.

Purcell said he requested the item and Council had received a copy of a letter showing the unfortunate aftermath of him being asked to attend a meeting with the Sentinels. He said he asked at that time if members would be willing to meet in small groups with the Sentinels to discuss their concerns, unfortunately, there have not been any meetings because of the actions taken after they met with him. Purcell said he was asked to attend a meeting of the Sentinels and did so, there was a group of Sentinels who were concerned about what appeared to be a lack of support by the Council and others on what they were doing, and they had some specific needs concerning equipment. He said he suggested it would be good if they met with other Council members; subsequent to that meeting, the Sentinel leader was called in and there was some discussion about avoiding the chain of command and meeting with a Council member, and there is another side of the story that the City Manager can explain.

Purcell said the person was called in on a Friday, and on Monday he was called in again and had a further discussion and basically on Friday he said he did not know who was at the meeting, and he was concerned the people at the meeting might get in trouble for attending; on Monday he admitted who was at the meeting, therefore, he was immediately suspended from the Sentinel program and later that week he was called in and terminated from the Sentinel program. Purcell said he asked the City Manager to get involved on that Friday morning and he did and the results were shown in the letter. Shanklin said he had been out of town and asked for a brief explanation. Purcell said basically the person was terminated from the program. Shanklin asked by who and Purcell said the City Manager agreed with it.

Purcell said this all got started in an attempt to get additional equipment and it got out of hand, so he asked the Sentinels to attend as a group and they did not and they feel uncomfortable being here, although someone is here to speak because he is no longer a member of the program so there is not much they can do to him. He said it was simply an attempt to get newer equipment for the police so they could pass equipment down to the Sentinels for their use. Purcell said we may have fired a volunteer but the Manager has a budget for the Sentinels that will be discussed during the budget cycle. He said the program was given twelve radios that work and flashlights that work. Purcell requested the person involved to come forward and speak to the Council as a whole as opposed to individual members.

Shanklin asked if the police chief supported it or not. Purcell said he did not know. Mayor Marley said this is not to talk about the firing. Purcell agreed and said it is to talk about the Sentinel program. Shanklin asked how you get

fired from a volunteer job and said he read in the paper where the City Manager voted for Shanklin that we will not build a road and that the City Manager does not have that authority. Mayor Marley said he was there and Shanklin was not and only had the newspaper account. Shanklin said the account states the City Manager said it was too much of a windfall for Lawton to have Wackenhut and we can only stand so much good fortune. Mayor Marley said this is a different issue and discussion would be held on the Sentinel program. Purcell said the issue is whether or not Council desires to support the Sentinel program and to explain why they are present tonight to talk to the Council as a whole.

Maples said she was sorry this happened to the man but was glad in a way that people can experience exactly what she had been telling the Council for two years and it is called retaliation. She said finally now the Council will wake up to what is going on when people complain. Maples said the Sentinels are a good program and there was \$50,000 in damages from people bashing car windows and if it were not for the Sentinels she did not know how the officers would have kept up on the reports but we cannot talk about these things or we get terminated. Council agreed to receive comment.

Brian Gosnell said he was with the Sentinel program for approximately four years and had about 1,600 hours with the program. He said they met with Purcell one night to talk about some equipment they had asked for but had not been able to receive and was told they did not follow the chain of command they had at the time. He said they had asked the leaders for the equipment but did not receive it so that is why they talked to Purcell. Gosnell said he received a call from LT Mathis at the Police Department. Mayor Marley asked that he speak about the program as opposed to what happened to him. Gosnell said the Sentinel program needed some equipment which has been provided since the meeting with Purcell; there was a need for flashlights for over a year and were told they had been ordered for the program but were never received. Gosnell said they had asked for radios that worked and they had never been provided to the Sentinel program, although they had five radios that would work sometimes. Gosnell said he understood those items had now been provided for the program.

Gosnell said the people are volunteering their time and risking their lives directing traffic at 38th and Cache Road in the heat of the evening when there is a lot of traffic and get out there and have equipment that does not work. He said there are about 30 volunteers who give 20, 30 or 40 hours a month and are not given equipment because the leadership of the program will not take it any higher or they just tell you no and that was why the meeting with Purcell took place.

Williams said it appeared the problem was taken care of and asked the City Manager if there would be continued assistance for the program as far as equipment. Schumpert said if the question is whether we will provide additional equipment beyond what is currently provided, the answer would be no, and in their budget request there will be requests for additional items which are currently not funded by the City and Council will make the decision. Schumpert said one of the aspects, as he understood from talking with Purcell and Gosnell, was the ability to have funds dedicated for the Sentinel program specifically so they would know what they would be getting, and apparently two years ago they changed the seats from their car to another car because we would be upgrading the car in 30-45 days and the vehicle maintenance person told them they would not change the seat out and that got interpreted to mean they did not have it in their budget so they would not change the seat out. Schumpert said his quick review of their budget indicated the Sentinels would be asking for money for things that are not now being provided for the Sentinel program.

Williams said the Sentinels volunteer and are provided with vehicles that operate and that he did not know if they had radios that worked now or prior. Schumpert said the Sentinels get the vehicles passed down the line from the police, so the detectives and officers are being given better cars than they had and the Sentinels get the bottom line of the cars which are not as good and do not run as well as other vehicles. Gosnell said that was not part of the problem. Schumpert said he was asked a question and he was answering it. Schumpert said the report he got was they had three cars, one of which did not run at all, one they were afraid to drive, and only one ran; we are not in a position to take cars away from police officers to give them to the Sentinel program. Schumpert said as far as support for the Sentinel program from the City Manager, Police Chief, Assistant Police Chief, and as far as he knew the vast majority of the members of the Police Department, they are supported and the help provided is invaluable. Schumpert said the outgrowth of this, as he understood it, was the Sentinels would submit a budget which would be reviewed by Council and Council would determine how much funding should be allocated toward the support of the Sentinel program.

Shanklin asked if the City Manager or Police Chief want it and if they do, they should bring it forward and the rest is just talking about it, and the Police Chief should be on the record in that regard. Purcell said he thought the message had been received. Shanklin asked why the Council would want to support it if the City Manager and Police Chief do not. Schumpert said he just went on record saying we do support the Sentinel program and had been on record before and had attended their award banquets and visited with them and was personal friends with at least two of them, and that even Gosnell would tell Council that he supported the program, but that is not the question as he understood it, and the question was how much money are we putting toward the program. Purcell said that is correct and that would be addressed in the budget, and asked that the next item be considered.

13. Consider adopting a street light resolution to authorize installation and removal of street lights along Flower Mound Road from Lee Blvd. to Rogers Lane. Exhibits: Street Light Resolution No. 401; Lighting List.

Williams said on the advice of the City Attorney, he would abstain on Items 13 and 14 and he left the room at this time.

Purcell said he requested this item and staff had a different recommendation. He said this item is to install street lights along Flower Mound Road, which is very dark, dangerous and has ditches on both sides. Purcell said for \$3,000 in electricity fees, we can put up lights along Flower Mound Road and they are needed and there will be no repairs on the road for at least a year because crews will first do 53rd Street and a year or two from now, some work will be done on Flower Mound Road. He said this is a safety issue and lighting is needed.

MOVED by Purcell, SECOND by Warren, to adopt Street Light Resolution No. 401.

Maples asked if any of this would have to be removed when the road is repaired. Purcell said no, the poles are already in place and the lights can be put on them, and they will not have to be removed because they are well off the road.

Shanklin said he would offer a substitute motion because staff said they had higher priorities and he would like to see them. Purcell said there are other roads that are more highly traveled than this one but this is a safety issue because a person cannot see to stay on the road at night. Shanklin said he would withdraw the substitute motion.

VOTE ON MOTION: AYE: Green, Warren, Maples, Sadler, Purcell, Shanklin, Beller. NAY: None. OUT: Williams. MOTION CARRIED.

14. Consider adopting a street light resolution to authorize installation and removal of street lights along East Gore Blvd. from I-44 to NE 45th Street. Exhibits: Street Light Resolution No. 402; Lighting List. (Note: Request is for installation of 33 lights.)

MOVED by Beller, SECOND by Warren, to adopt Street Light Resolution No. 402. AYE: Warren, Maples, Sadler, Purcell, Shanklin, Beller, Green. NAY: None. OUT: Williams. MOTION CARRIED.

15. Discuss granting free fishing and hunting permits to retired City of Lawton employees and their spouses for Lawton lakes, and take appropriate action. Exhibits: Memorandum from Employee Advisory Committee; Memorandum from City Manager.

Beller said he requested this be placed on the agenda. He said the Employee Advisory Committee had voted unanimously to request the approval of free lifetime hunting and fishing permits for retirees and spouses. Beller said it is an opportunity to give the retirees something and it will not be a cost to the City.

MOVED by Beller, SECOND by Shanklin, to approve granting free fishing and hunting permits for retired City of Lawton employees and their spouses at the Lawton lakes. AYE: Maples, Williams, Purcell, Shanklin, Beller, Green. NAY: Sadler, Warren. MOTION CARRIED. (Prior to roll call, Maples asked Cruz if she would be able to vote on the motion and he said yes.)

Cruz said an ordinance would be returned in this regard.

16. Consider adopting an ordinance amending Chapter 17, Lawton City Code, 1995, relating to definition of an employee for the retirement system, providing for periodic increases to retirees of the City's employee retirement system; providing for election on disposition of retirement contributions upon termination of city's employment prior to eligibility for retirement and declaring an emergency. Exhibits: Ordinance No. 98-8.

MOVED by Beller, SECOND by Williams, to approve Ordinance No. 98-8, waive the reading of the ordinance, reading the title only.

Cruz said on Page 120 of the packet, subparagraph C should be stricken because it contradicts the amendment in subparagraph B above. Beller and Williams agreed to deletion of subparagraph C and the renumbering of the following paragraphs.

(Title read by Clerk) ORDINANCE NO. 98-8

AN ORDINANCE RELATING TO PERSONNEL, AMENDING CHAPTER 17, LAWTON CITY CODE, 1995, AMENDING SECTION 17-333 A 11 RELATING TO DEFINITION OF EMPLOYEE FOR RETIREMENT SYSTEM PURPOSES; AMENDING SECTION 17-339 BY ADDING THERETO SECTIONS F AND G PROVIDING FOR PERIODIC INCREASES TO RETIREES OF THE CITY'S EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 17-343, PROVIDING FOR ELECTION ON DISPOSITION OF RETIREMENT CONTRIBUTIONS UPON TERMINATION OF CITY'S EMPLOYMENT PRIOR TO ELIGIBILITY FOR RETIREMENT, AND PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

17. Consider the following damage claims recommended for denial: James Ray Ballard; and David L. Bubnitz. Exhibits: Legal Opinions/Recommendations. Action: Denial of claims.

18. Consider the following damage claim recommended for approval which is under \$400.00: Joe Davis. Exhibits: Legal Opinion/Recommendation. Action: Approval of claim in the amount of \$77.00.

19. Consider adopting a resolution approving a Joint Petition settlement and ratifying the action of the City Attorney in filing and making payment of the judgment in the Workers Compensation case of Roy D. Lindley in the Workers Compensation Court. Exhibits: Res. No. 98-46.

(Title only) RESOLUTION NO. 98-46

A RESOLUTION APPROVING A JOINT PETITION SETTLEMENT AND RATIFYING THE ACTIONS OF THE CITY ATTORNEY IN MAKING PAYMENT OF THE JUDGMENT IN THE WORKERS COMPENSATION CASE OF ROY D. LINDLEY FOR THE AMOUNT OF ELEVEN THOUSAND FOUR HUNDRED EIGHTY AND NO/100 DOLLARS (\$11,480.00), PER ORDER OF THE WORKERS COMPENSATION COURT, AND FILING A FOREIGN JUDGMENT IN THE DISTRICT COURT OF COMANCHE COUNTY FOR PURPOSES OF PLACING SAID JUDGMENT ON THE TAX ROLLS.

20. Consider adopting a resolution approving a Joint Petition settlement and ratifying the action of the City Attorney in filing and making payment of the judgment in the Workers Compensation case of Roy D. Lindley in the Workers Compensation Court. Exhibits: Res. No. 98-47.

(Title only) RESOLUTION NO. 98-47

A RESOLUTION APPROVING A JOINT PETITION SETTLEMENT AND RATIFYING THE ACTIONS OF THE CITY ATTORNEY IN MAKING PAYMENT OF THE JUDGMENT IN THE WORKERS COMPENSATION CASE OF ROY D. LINDLEY FOR THE AMOUNT OF SIXTEEN THOUSAND SIX HUNDRED FIVE AND NO/100 DOLLARS (\$16,605.00), PER ORDER OF THE WORKERS COMPENSATION COURT, AND FILING A FOREIGN JUDGMENT IN THE DISTRICT COURT OF COMANCHE COUNTY FOR PURPOSES OF PLACING SAID JUDGMENT ON THE TAX ROLLS.

ITEM 21 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

22. Consider adopting a resolution authorizing the temporary closing of 4th and 5th Streets from Gore Boulevard to A Avenue during the period April 29 through May 4, 1998. Exhibits: Resolution No. 98-48; Letter of Request.

(Title only) RESOLUTION NO. 98-48

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF A PORTION OF 4TH AND 5TH STREETS FROM GORE BOULEVARD TO A AVENUE DURING THE PERIOD APRIL 29 THROUGH MAY 4, 1998.

ITEMS 23 AND 24 WERE CONSIDERED SEPARATELY AS SHOWN BELOW.

25. Consider entering into a contract with Mr. and Mrs. Kenneth R. Hall for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Exhibits: None. Action: Approval of contract.

26. Consider ratifying the action of the Lawton Water Authority approving amendment to the Homer Coody lease, Lake Ellsworth Tract #10, reducing the acres leased and prorate the annual lease payment. Exhibits: See Lawton Water Authority Agenda. Action: Ratify LWA action to approve amendment to the lease.

27. Consider awarding contract for demolition of 1405 NW Dearborn. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Forney Enterprises, Inc.

28. Consider awarding contract for demolition of 1403 NW Dearborn. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Forney Enterprises, Inc.

29. Consider awarding contract for demolition of 517 SW H Avenue. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Joes Backhoe Service.

30. Consider awarding contract for museum storage and specimen cases. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Steel Fixture Mfg.

31. Consider awarding contract for billboard display advertising. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Keleher Outdoor Advertising.
32. Consider awarding contract for PVC sewer pipe. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Water Products, Inc.
33. Consider awarding contract for tire recapping. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Joe Esco Tire Company.
34. Consider awarding contract for jail food and supplies. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Wilson Wholesale Company, Inc.
35. Consider awarding contract for easement rodder. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Sewer Equipment Company of America.
36. Consider extending contract for auctioneer service. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Extend contract with Stallings Auction Service to 4/30/99 at same terms and conditions.
37. Consider approval of payroll for the period of March 22 through April 5, 1998.

Williams asked that Item 21 be considered separately. Purcell asked that Items 23 and 24 be considered separately.

MOVED by Shanklin, SECOND by Green, for approval of the Consent Agenda items as recommended with the exception of Items 21, 23 and 24. AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

21. Consider suspending the provisions of Council Policy 5-2 and consider Amendment No. 1 to the Agreement with Bill Sanders Water Association to increase the maximum number of water meters. Exhibits: Letter of request; 3/3/98 Outside Water Committee Minutes; Proposed Amendment No. 1 to agreement. (Increases number of meters allowed from two to five.)

Williams said he thought it was unique to see a council policy being waived in the consent agenda and asked if the Outside Water Committee had approved this. Shanklin said yes.

MOVED by Williams, SECOND by Shanklin, that Council Policy 5-2 be suspended and that Amendment No. 1 to the agreement with the Bill Sanders Water Association be approved. AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

23. Consider accepting the Wastewater Treatment Plant Chlorine Building Re-Roofing Project 95-11 and place the Maintenance Bond into effect. Exhibits: None.

Purcell said the project came in under cost and 21 days under the time allotted, and that should be pointed out to the Council and citizens.

MOVED by Purcell, SECOND by Warren, to accept the project as constructed by Brox Industries and place the maintenance bond into effect. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

24. Consider accepting the Pump Station #2 Pump Replacement Project 97-20 and place the Maintenance Bond into effect. Exhibits: None.

Purcell said the contractor did the work well within the time but asked why they were given 190 calendar days to replace three pumps and motors at a pump station in the east high zone. He said they finished 90 days under the time allowed. Jerry Ihler, Public Works/Engineering Director, said the project time included manufacture and delivery of the pumps, which was anticipated to take 90 to 180 days; the pumps had to be manufactured after the contract was awarded and that time was included in the contract time. Purcell said the company did a good job finishing 90 days ahead of schedule.

MOVED by Purcell, SECOND by Green, to accept the project as constructed by Bowen Construction, Inc. and place the maintenance bond into effect. AYE: Beller, Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

#### BUSINESS ITEMS:

38. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action and a settlement offer relating to the property in the vicinity of 52nd and Lee Boulevard and, if necessary, take appropriate action in open session.

39. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for an Employment Agreement for FY 1998-1999 between the Fire Union, IAFF, Local 1882, and the City of Lawton. Exhibits: None.

40. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending civil suit styled City of Lawton vs. International Association of Firefighters, Local 1882, and Charles T. Taylor, Case No. CJ-96-1049, Charles T. Taylor vs. City of Lawton, Case No. CJ-97-1149, and Tim Taylor vs. Oklahoma Employment Security Commission and the City of Lawton, Case No. CJ-96-0603, in the District Court of Comanche County, and take appropriate action in open session. Exhibits: None.

MOVED by Williams, SECOND by Shanklin, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

The Mayor and Council recessed from 9 to 9:15 p.m., convened in executive session from 9:15 p.m. to 9:50 p.m., and then returned to open session with roll call reflecting all members present except Maples.

Cruz reported the Mayor and Council met in executive session to discuss the items on the agenda. He said on Item 38 relating to the property in the vicinity of 52nd and Lee Boulevard, no action is needed.

Cruz reported on Item 39 relating to the negotiation with the firefighters union, no action is needed.

Cruz reported on Item 40 relating to the suits of Charles Taylor and the City of Lawton, we discussed with the Council the settlement offer that was discussed at the courthouse before Judge Smith last week. Cruz said he discussed with the Council the general terms of the settlement, and with that in mind, he would ask Council to consider approving the settlement offer as discussed in executive session with the terms and conditions of the settlement to be made public once it is approved by the court and filed of record.

MOVED by Shanklin, SECOND by Beller, to approve the settlement offer as discussed in executive session with the terms and conditions of the settlement to be made public once it is approved by the court and filed of record. AYE: Williams, Purcell, Shanklin, Beller, Green, Warren. NAY: Sadler. OUT: Maples. MOTION CARRIED.

REPORTS: MAYOR/CITY MANAGER/CITY COUNCIL.

Williams asked if the Mayor had thought about the sign ordinance workshop or a committee. Mayor Marley said he had one citizen who would like to be on the committee, and explained he had been asked to form an ad hoc committee to look at the sign ordinance only and that he was in the process of getting that established to see if amendments are needed. Williams said the existing ordinance is pretty good although some areas need work and then enforcement is needed.

There was no further business to consider and the meeting adjourned at 10:00 p.m.